

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

**IN RE: VALSARTAN, LOSARTAN,  
AND IRBESARTAN PRODUCTS  
LIABILITY LITIGATION**

**This Document Relates to All Actions**

MDL No. 2875

Honorable Robert B. Kugler,  
District Court Judge

Honorable Joel Schneider,  
Magistrate Judge

**NOTICE OF PHARMACY  
DEFENDANTS' MOTION TO  
DISMISS**

TO: Adam M. Slater, Esq.  
Plaintiffs' Liaison Counsel  
Mazie Slater Katz & Freeman, LLC  
103 Eisenhower Parkway  
Roseland, NJ 07068

**PLEASE TAKE NOTICE** that on November 2, 2020, or a date to be determined by the Court after October 16, 2020, Albertson's LLC, CVS Pharmacy, Inc. (incorrectly named as CVS Health Corporation), Express Scripts, Inc., Humana Pharmacy, Inc., The Kroger Co., OptumRx, Rite-Aid Corporation, Walgreens Boots Alliance, Inc., and Walmart Inc. (collectively, the "Pharmacy Defendants") by and through counsel for CVS Pharmacy, Inc. in the above-captioned action, Barnes & Thornburg LLP, shall move before the Honorable Robert B. Kugler, United States District Judge of the United States District Court

for the District of New Jersey, for entry of an Order dismissing them from the Master Personal Injury Complaint (ECF No. 122), the Consolidated Second Amended Economic Class Action Complaint (ECF No. 398), and the Consolidated Amended Medical Monitoring Class Action Complaint (ECF No. 123) pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, Pharmacy Defendants shall rely on the accompanying Memorandum of Law (and the Exhibits appended thereto) and all papers later submitted with Pharmacy Defendants' reply in further support of their motion to dismiss.

**PLEASE TAKE FURTHER NOTICE** that, for the Court's convenience, a proposed Order dismissing the Complaints in full with respect to the Pharmacy Defendants is submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that the undersigned attorneys for Defendants request oral argument on this motion.

Dated: July 17, 2020

Respectfully submitted,

/s/ Sarah E. Johnston

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*Counsel for CVS Pharmacy, Inc.*  
(incorrectly named as CVS Health  
Corporation)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of July, 2020, I caused the foregoing Notice of Pharmacy Defendants' Motion to Dismiss, and accompanying Proposed Order, to be filed electronically through the CM/ECF system, which will send notice of filing to all CM/ECF participants.

*/s/ Sarah E. Johnston*  
Sarah E. Johnston